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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,547	07/20/2004	Gwendolyn Fournier	U04-0141.97	4546

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EXAMINER
DEAN, RAYMOND S

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
12/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 August 2007_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _20 July 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August

29, 2007 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1 – 8 have been considered but are

moot in view of the new ground(s) of rejection.

Allen et al. (US 7,280,502) teaches wherein in response to a PoC global setting

being disabled, calls will be received at the mobile terminal in manual mode requiring an

action at the mobile terminal for a PTT call session to occur (Cols. 2 lines 36 – 55, 6

lines 56 – 67, 7 lines 1 – 3, lines 65 - 67, 8 lines 1 - 21, lines 40 – 67).

Examiner respectfully disagrees with Applicants' assertion on Page 6, 3rd

Paragraph "Xue et al. does not disclose or suggest deactivating a silent ode for the

mobile terminal or sending ..." for the same reasons set forth in the Office Action dated

July 19, 2007 (See Sections 0005, 0008 lines 3 - 17, 0036 of Xue). The user can send

a message to the GLMS to set the DnD flags to a disturb state, which means that the

silent mode is deactivated.

Claim Rejections - 35 USC § 103

3. .   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Xue et al. (US 2005/0192039) in view of Allen et al. (US 7,280,502).

Regarding Claim 1, Xue teaches in a mobile terminal, a method of activating a

silent mode for PTT calls, the method comprising: activating a silent mode for the

mobile terminal that includes sending a message instructing a PTT server to disable the

PoC global setting associated with the mobile terminal's PTT server accept list

(Sections 0003 lines 23 – 28, 0004 lines 1 – 7, 0005, 0008 lines 3 – 17, 0036, when the

DnD flags are set to particular states the user will not be disturbed, which is the silent

mode).

Xue does not teach wherein in response to a PoC global setting being disabled,

calls will be received at the mobile terminal in manual mode requiring an action at the

mobile terminal for a PTT call session to occur.

Allen teaches wherein in response to a PoC global setting being disabled, calls

will be received at the mobile terminal in manual mode requiring an action at the mobile

terminal for a PTT call session to occur (Cols. 2 lines 36 – 55, 6 lines 56 – 67, 7 lines 1

– 3, lines 65 - 67, 8 lines 1 - 21, lines 40 – 67).

Xue and Allen both teach a PoC system that activates and de-activates a silent

mode thus it would have been obvious to one of ordinary skill in the art at the time the

invention was made to use the above method of Allen as an alternative means for

achieving silent and non-silent modes.

Regarding Claim 2, Xue teaches in a mobile terminal, a method of deactivating a

silent mode for PTT calls, the method comprising: deactivating a silent mode for the

mobile terminal that includes sending a message instructing a PTT server to enable the

PoC global setting associated with the mobile terminal's PTT server accept list

(Sections 0003 lines 23 – 28, 0004 lines 1 – 7, 0005, 0008 lines 3 – 17, 0036, when the

DnD flags are set to particular states the user will be disturbed, which means that the

silent mode will be deactivated).

Xue does not teach wherein in response to the PoC global setting being enabled,

calls will be received at the mobile terminal in an auto-answer mode for callers on the

mobile terminal's PTT server accept list.

Allen teaches wherein in response to the PoC global setting being enabled, calls

will be received at the mobile terminal in an auto-answer mode for callers on the mobile

terminal's PTT server accept list (Cols. 2 lines 36 – 55, 6 lines 56 – 67, 7 lines 1 – 3,

lines 65 - 67, 8 lines 1 - 21, lines 40 – 67).

Xue and Allen both teach a PoC system that activates and de-activates a silent

mode thus it would have been obvious to one of ordinary skill in the art at the time the

invention was made to use the above method of Allen as an alternative means for

achieving silent and non-silent modes.

Regarding Claim 3, Xue teaches in a PTT server, a method of activating a silent

mode for PTT calls for a client mobile terminal, the method comprising receiving a

message from the client mobile terminal instructing the PTT server to disable the PoC

global setting associated with the client mobile terminal's PTT server accept list, said

message the result of the mobile terminal activating a silent mode (Sections 0003 lines

23 – 28, 0004 lines 1 – 7, 0005, 0008 lines 3 – 17, 0036, GLMS is the PTT server, when

the DnD flags are set to particular states the user will not be disturbed, which is the

silent mode).

Xue does not teach wherein in response to the PoC global setting being

disabled, calls will be received at the client mobile terminal in a manual mode requiring

an action at the mobile terminal for a PTT call session to occur.

Allen teaches wherein in response to the PoC global setting being disabled, calls

will be received at the client mobile terminal in a manual mode requiring an action at the

mobile terminal for a PTT call session to occur (Cols. 2 lines 36 – 55, 6 lines 56 – 67, 7

lines 1 – 3, lines 65 - 67, 8 lines 1 - 21, lines 40 – 67).

Xue and Allen both teach a PoC system that activates and de-activates a silent

mode thus it would have been obvious to one of ordinary skill in the art at the time the

invention was made to use the above method of Allen as an alternative means for

achieving silent and non-silent modes.

Regarding Claim 4, Xue teaches in a PTT server, a method of deactivating a

silent mode for PTT calls for a client mobile terminal, the method comprising receiving a

message from the client mobile terminal instructing the PTT server to enable the PoC

global setting associated with the client mobile terminal's PTT server accept list, said

message the result of the mobile terminal deactivating a silent mode (Sections 0003

lines 23 – 28, 0004 lines 1 – 7, 0005, 0008 lines 3 – 17, 0036, GLMS is the PTT server,

when the DnD flags are set to particular states the user will be disturbed, which means

that the silent mode will be deactivated).

Xue does not teach wherein in response to the PoC global setting being enabled,

calls will be received at the mobile terminal in an auto-answer mode for callers on the

mobile terminal's PTT server accept list.

Allen teaches wherein in response to the PoC global setting being enabled, calls

will be received at the mobile terminal in an auto-answer mode for callers on the mobile

terminal's PTT server accept list (Cols. 2 lines 36 – 55, 6 lines 56 – 67, 7 lines 1 – 3,

lines 65 - 67, 8 lines 1 - 21, lines 40 – 67).

Xue and Allen both teach a PoC system that activates and de-activates a silent

mode thus it would have been obvious to one of ordinary skill in the art at the time the

invention was made to use the above method of Allen as an alternative means for

achieving silent and non-silent modes.

Regarding Claim 5, Xue teaches in a mobile terminal, a computer readable

medium storing a computer program product for activating a silent mode for PTT calls,

the computer readable medium comprising: computer program code for activating a

silent mode for the mobile terminal that includes computer program code for sending a

message instructing a PTT server to disable the PoC global setting associated with the

mobile terminal's PTT server accept list (Sections 0003 lines 23 – 28, 0004 lines 1 – 7,

0005, 0008 lines 3 – 17, 0031 lines 3 – 7, 0036, when the DnD flags are set to particular

states the user will not be disturbed, which is the silent mode).

Xue does not teach wherein in response to a PoC global setting being disabled,

calls will be received at the mobile terminal in manual mode requiring an action at the

mobile terminal for a PTT call session to occur.

Allen teaches wherein in response to a PoC global setting being disabled, calls

will be received at the mobile terminal in manual mode requiring an action at the mobile

terminal for a PTT call session to occur (Cols. 2 lines 36 – 55, 6 lines 56 – 67, 7 lines 1

– 3, lines 65 - 67, 8 lines 1 - 21, lines 40 – 67).

Xue and Allen both teach a PoC system that activates and de-activates a silent

mode thus it would have been obvious to one of ordinary skill in the art at the time the

invention was made to use the above method of Allen as an alternative means for

achieving silent and non-silent modes.

Regarding Claim 6, Xue teaches in a mobile terminal, a computer readable

medium storing a computer program product for deactivating a silent mode for PTT

calls, the computer readable medium comprising: computer program code for

deactivating a silent mode for the mobile terminal that includes computer program code

for sending a message instructing a PTT server to enable the PoC global setting

associated with the mobile terminal's PTT server accept list (Sections 0003 lines 23 –

28, 0004 lines 1 – 7, 0005, 0008 lines 3 – 17, 0031 lines 3 – 7, 0036, when the DnD

flags are set to particular states the user will be disturbed, which means that the silent

mode will be deactivated).

Xue does not teach wherein in response to the PoC global setting being enabled,

calls will be received at the mobile terminal in an auto-answer mode for callers on the

mobile terminal's PTT server accept list.

Allen teaches wherein in response to the PoC global setting being enabled, calls

will be received at the mobile terminal in an auto-answer mode for callers on the mobile

terminal's PTT server accept list (Cols. 2 lines 36 – 55, 6 lines 56 – 67, 7 lines 1 – 3,

lines 65 - 67, 8 lines 1 - 21, lines 40 – 67).

Xue and Allen both teach a PoC system that activates and de-activates a silent

mode thus it would have been obvious to one of ordinary skill in the art at the time the

invention was made to use the above method of Allen as an alternative means for

achieving silent and non-silent modes.

Regarding Claim 7, Xue teaches in a PTT server, a computer readable medium

storing a computer program product for activating a silent mode for PTT calls for a client

mobile terminal, the computer readable medium comprising: computer program code for

receiving a message from the client mobile terminal instructing the PTT server to

disable the PoC global setting associated with the client mobile terminal's PTT server

accept list, said message the result of the mobile terminal activating a silent mode

(Sections 0003 lines 23 – 28, 0004 lines 1 – 7, 0005, 0008 lines 3 – 17, 0031 lines 3 –

7, 0036, GLMS is the PTT server, when the DnD flags are set to particular states the user will not be disturbed, which is the silent mode).

Xue does not teach wherein in response to the PoC global setting being disabled, calls will be received at the client mobile terminal in a manual mode requiring an action at the mobile terminal for a PTT call session to occur.

Allen teaches wherein in response to the PoC global setting being disabled, calls will be received at the client mobile terminal in a manual mode requiring an action at the mobile terminal for a PTT call session to occur (Cols. 2 lines 36 – 55, 6 lines 56 – 67, 7 lines 1 – 3, lines 65 - 67, 8 lines 1 - 21, lines 40 – 67).

Xue and Allen both teach a PoC system that activates and de-activates a silent mode thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the above method of Allen as an alternative means for achieving silent and non-silent modes.

Regarding Claim 8, Xue teaches in a PTT server, a computer readable medium storing a computer program product for deactivating a silent mode for PTT calls for a client mobile terminal, the computer readable medium comprising: computer program code for receiving a message from the client mobile terminal instructing the PTT server to enable the PoC global setting associated with the client mobile terminal's PTT server accept list, said message the result of the mobile terminal deactivating a silent mode (Sections 0003 lines 23 – 28, 0004 lines 1 – 7, 0005, 0008 lines 3 – 17, 0031 lines 3 – 7, 0036, GLMS is the PTT server, when the DnD flags are set to particular states the user will be disturbed, which means that the silent mode will be deactivated).

Xue does not teach wherein in response to the PoC global setting being enabled, calls will be received at the mobile terminal in an auto-answer mode for callers on the mobile terminal's PTT server accept list.

Allen teaches wherein in response to the PoC global setting being enabled, calls will be received at the mobile terminal in an auto-answer mode for callers on the mobile terminal's PTT server accept list (Cols. 2 lines 36 – 55, 6 lines 56 – 67, 7 lines 1 – 3, lines 65 – 67, 8 lines 1 - 21, lines 40 – 67).

Xue and Allen both teach a PoC system that activates and de-activates a silent mode thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the above method of Allen as an alternative means for achieving silent and non-silent modes.
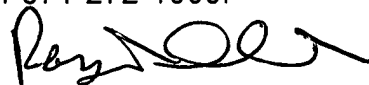

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Raymond S. Dean
December 14, 2007

12-26-2007

NGUYEN T. VO
PRIMARY EXAMINER